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Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya

Note verbale dated 7 July 2011 from the Permanent Mission of Tunisia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Tunisia to the United Nations has the honour to submit herewith the report of Tunisia on measures taken to implement paragraphs 9, 10, 15 and 17 of Security Council resolution 1970 (2011) and Security Council resolution 1973 (2011) (see annex).

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Annex to the note verbale dated 7 July 2011 from the Permanent Mission of Tunisia to the United Nations addressed to the Chair of the Committee

[Original: Arabic]

National report of Tunisia on measures taken to implement Security Council resolutions 1970 (2011) and 1973 (2011) on the situation in Libya

1. Introduction

Since the outbreak of the Libyan crisis on 17 February 2011 and the resultant international measures consisting of the sanctions contained in Security Council resolutions 1970 (2011) and 1973 (2011), Tunisia, out of its regard for international law, has taken all necessary measures to ensure implementation of the requirements of those two resolutions. In this framework, Tunisian ministries, agencies and other relevant bodies have held coordination meetings to determine optimal approaches to that task.

As Tunisia submits its national report to the Sanctions Committee, reaffirming its compliance with internationally binding statutory instruments and implementing all the provisions of the two Security Council resolutions on the situation in Libya, it would like to take this opportunity to inform the Committee that the outbreak of the crisis in Libya has given rise to a new socio-economic and security-related situation in Tunisia which is causing it to be seriously harmed by the sanctions imposed upon Libya, owing to the neighbourly relations binding it to that State and the fact that it is Libya's foremost economic partner in the region.

Economic repercussions

These impacts have become more acute as Tunisia's economic difficulties have amplified since the Tunisian revolution, and the problems have increased since the beginning of the events in Libya, given the nature of the close relations binding our two countries and the depth of the economic relations and the extensive trade between them.

Libya is Tunisia's leading Arab partner among African States and its second most important customer after the European Union in terms of trade, investment and tourism.

However, the events in Libya have resulted in a decline in trade flows with that country: there has been an acute downturn that was reflected in a 22.5 per cent reduction in Tunisian exports to the Libyan market during the first two months of 2011, compared to 2010.

That decline has had a serious adverse impact on service providers, especially in the construction sector. We may note at this point that more than 40 Tunisian firms operate in Libya in various sectors, including construction and food processing.

In addition, there are over 1,300 Tunisian firms that export to Libya. These firms have been hard hit since the advent of the Libyan crisis. In the first place,

thousands of their workers and managerial staff have been laid off as a result of the problems they have had to face owing to the reduction or interruption of their activity. In the second place, they have had numerous problems that have adversely impacted their ability to meet their financial commitments to banks and other financial institutions.

The tourism sector and, in particular, medical tourism, has also been adversely impacted, with significant income losses.

Social and security-related repercussions

Over and above the economic repercussions of the Libyan crisis on the situation in Tunisia, there have also been social and security-related repercussions in recent months.

Social repercussions have included a substantial increase in unemployment as a result of the return of over 60,000 Tunisians from Libya. Tunisia's unemployment rate is now running at 19 per cent.

Furthermore, Tunisia has been inundated with over 500,000 refugees of various nationalities since the beginning of the Libyan crisis. These have included some 70,000 Libyans fleeing from areas where fighting has been taking place, many of whom have found shelter with their Tunisian brothers in the southern part of the country. In addition, large numbers of injured Libyans have been seeking treatment in Tunisian hospitals.

The massive refugee crisis continues to keep the Tunisian people and authorities fully occupied, as it continues to present them with socio-economic and ethical problems.

The other main security-related challenge confronting Tunisia consists in the constant and repeated violations of Tunisian territory, in which bombs fall near residential communities, and the resultant anger and resentment among the local inhabitants, who find themselves living in a situation of anxiety and fear. The problems occurring along the Tunisian-Libyan border have previously been referred to in a letter dated 21 May 2011 from the Government of Tunisia to the Secretary-General of the United Nations.

The past few months have also seen increasing security threats to Tunisia as a result of attempts on the part of terrorist elements to infiltrate Tunisian territory, taking advantage of the deployment of the national army along the border with Libya and its concentration in that area, and the pressures arising from the situation along Tunisia's borders with neighbouring States.

In addition to the above-mentioned challenges, the implementation of Security Council resolutions 1970 (2011) and 1973 (2011) confronts Tunisian exporters and businessmen who deal with Libya with a host of problems in view of the difficulty they are encountering in collecting payment from their Libyan customers. In this context, Tunisia recently asked the Committee for clarification on procedures for exporting non-prohibited items to Libya and to private firms that are not subject to sanctions, in view of the fact that the Libyan partner involved will normally settle its account with the Tunisian exporter through the very Libyan State banks that are targeted by international sanctions.

Tunisia has also notified the Committee, in accordance with the provisions of Security Council resolution 1970 (2011), paragraph 19, that it wishes to obtain an

exemption from the application of the provisions relating to the freezing of Libyan funds in Tunisia for the purpose of paying out pension benefits from accounts with the Libyan Social Insurance Fund to Tunisian citizens who formerly worked in Libya.

The Tunisian ministries and agencies concerned are being subjected to considerable pressure from Tunisian citizens, including exporters and former Tunisian workers employed in Libya who are returning to Tunisia following the outbreak of the situation in Libya. These ministries and agencies would like the Committee to respond to requests submitted to it in order to enable them to respond to questions from Tunisian citizens in a timely manner.

Tunisia also wishes to inform the Committee that it intends to submit to the Sanctions Committee a request under the Charter of the United Nations, article 50, for compensation for the severe damage sustained by the Tunisian economy as a result of the international sanctions imposed upon Libya.

2. Implementation by Tunisia of the provisions of the two Security Council resolutions

Measures taken by the Tunisian authorities under paragraphs 9 and 10 (arms embargo) of resolution 1970 (2011) on the situation in Libya

Arms embargo

Against the background of the efforts being made by the Tunisian authorities to prevent the entry of arms and related items to Libya by land and sea, Tunisian security units exhaustively search all vehicles and vessels coming from or bound for Libya. By this means, attempts to smuggle weapons and other banned equipment through southern Tunisia are thwarted. In addition, frequent monitoring operations are conducted around the clock along the border between the two countries.

Dual-use items

(a) *Military clothing*: Military uniforms or uniforms for Libyan police may not transit through or be exported from Tunisia.

(b) *Vehicles*: Tunisian territory may not be used for the transit of four-wheel-drive vehicles, small trucks, tractors or private vehicles carrying prohibited items. In addition, buses may not be exported to Libya.

Communications and dual-use equipment

The competent Tunisian authorities have issued the following decisions:

- No applications for authorization to send this type of equipment across the border shall be approved.
- The use of these types of equipment within Tunisian territory shall be prohibited.
- The competent authorities shall provide a list of equipment for which transit applications have been submitted, including satellite-based communication equipment (Thuraya and others), cable or wireless radio communication

equipment, communication software, means of encoding (equipment and software), signalling equipment, and GPRS/GPS equipment.

– Border customs posts shall be alerted to ensure that they are aware that the importation of telephones containing encoding equipment is prohibited; monitoring authorities, including customs and the National Guard, shall be alerted to the importance of interdicting the circulation and use of these items in Tunisian territory; and the Research and Studies Telecommunications Centre (CERT) and the National Digital Certification Agency (ANCE) shall be asked to provide us with a list of these types of equipment.

Measures taken by the Tunisian authorities under paragraph 15 (travel ban) of resolution 1970 (2011) on the situation in Libya

The Libyan elements referred to in Security Council resolutions 1970 (2011) and 1973 (2011) have been added to the list of persons barred from entry to Tunisia, and the list in question has been distributed to all security units and land, air and sea ports of entry. To date, no Libyan on the list has attempted to enter Tunisia, and accordingly no such person has been refused entry.

Measures taken by the Tunisian authorities under paragraph 17 (asset freeze) of resolution 1970 (2011) on the situation in Libya

The Central Bank of Tunisia has distributed a memorandum to lending institutions and approved intermediaries, instructing them to take the necessary measures to freeze all funds, monetary assets and other economic resources owned or controlled directly or indirectly by the Libyan individuals or entities listed in Security Council resolutions 1970 (2011) and 1973 (2011), and those measures have been duly taken.

To ensure optimal use of such frozen funds, a committee of competent persons is to be established with the mandate of formulating appropriate criteria for that purpose.

Measures taken by the Tunisian authorities in respect of goods that may lawfully cross the border

Basic items: Officers in charge of the customs posts concerned are authorized to permit the passage into Libya, under the applicable regulations, of basic consumer items including, inter alia, pasta, tomatoes, vegetable oils and children's diapers.

Medicines: Under the applicable regulations, the officer in charge of the border crossing post is authorized to permit the delivery of medicines across the border to the official Libyan agency empowered to import such medicines, subject to the approval of the competent authorities of the Ministry of Public Health. Such approval may be issued in advance where an invoice has been submitted in due form.

Exports to Libya by international corporations of goods of foreign origin: Goods of foreign origin that are exported to Libya through Tunisia are subject to inspection by the services of the Ministry of Health, the Ministry of Agriculture and the Ministry of Industry.